

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB1408 - SB1788

February 26, 2014

SUMMARY OF ORIGINAL BILL: Decreases, from ten to three, the number of days before an execution or writ of possession can be issued against a defendant after rendition of a judgment. Decreases, from ten to three days, the amount of time available for a defendant to appeal a judgment from a general sessions court in a forcible entry and detainer action.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

IMPACT TO COMMERCE OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (012722): Deletes and rewrites section two of the bill, but no substantive change was made. Adds new language authorizing the judge to permit the appealing party up to ten days to appeal if the judge makes a finding, based on a petition filed by the appealing party, the three day period would result in an undue hardship on the defendant in forcible entry and detainer actions. Requires the hearing on the petition to be conducted at the same time the petition is filed unless to do so would likely result in a manifest injustice against the parties.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumption for the bill as amended:

- According to the Administrative Office of the Courts, the provisions of the bill as amended will not result in any significant impact.

IMPACT TO COMMERCE WITH PROPOSED AMENDMENT:

Unchanged from the original impact to commerce statement.

Assumption for the bill as amended:

- The provisions of the bill as amended will not result in an increased number of evictions; however, it will shorten the eviction and appeals process. It is estimated any impact incurred by residential rental property owners or other businesses throughout the state will not be significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read 'Lucian D. Geise', is positioned above the printed name.

Lucian D. Geise, Executive Director

/jrh